IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.17660 of 007

Dated: September 21, 2007

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Between:

Sanapala Swamy Babu, S/o. Sanapala Sridharudu, aged about 48 years, Govt. Employee, residing at D.No.39-16-7, Madhavadhara Industrial Estate, Visakhapatnam, and others.

… Petitioners

And

The Sub-Registrar, Gopalapatnam, Visakhapatnam, Visakhapatnam District.

… Respondent

Order:

Petitioners, who claim to be the owners of land to an extent of Ac.13.50 cents situated in Sy.Nos.298/P, 299/P, 310/P, part of Adivivaram Village, Visakhapatnam (Rural) Mandal, Visakhapatnam District, filed this writ petition seeking Mandamus to declare that they are entitled to alienate the aforesaid land, which is known as Kathimandula lova isthuva.

2. Heard learned counsel for petitioners and learned Government Pleader for Revenue appearing for the respondent.

3. The case of petitioners is that they have inherited the aforesaid land from their ancestors and it is their private patta land. Their grievance is that when they wanted to alienate the same and presented documents for registration, the respondent did not receive the same on the ground that the land in question belongs to a religious institution, namely, Simhachalam Devasthanam, and hence the same cannot be registered.

4. As per Section 22-A of the Registration Act, 1908 (for short 'the Act') as amended by Registration (Andhra Pradesh Amendment) Act, 2006, documents relating to transfer of property by way of sale, agreement of sale, gift, exchange or lease in respect of immovable property owned by the State or Central Government executed by persons other than those statutorily empowered to do so, are prohibited from registration.

5. The petitioners allege that the documents presented by them are not being received on the ground that the lands, which are subject matter of documents sought to be registered, belong to religious institution. But, there is no proof of the allegation of the petitioners. Whenever documents are presented for registration, the registering authority is bound to receive the same and cannot refuse to receive at the threshold. However, the authority is entitled to raise any objections for the documents to be registered and should give reasons for declining to register the documents in view of the provisions of Section 71 of the Act.

6. As much as petitioners allege that the documents presented by

them are not being received by the respondent, I dispose of the writ petition directing the respondent to receive the documents which are proposed to be presented by the petitioners for registration and consider the same in accordance with the provisions of the Registration Act, 1908 ('the Act' for brevity) and the rules made thereunder. It is clarified that if there are any objections for registering the said document, it is open for the respondent to make an endorsement to that effect, record reasons and communicate the same to the petitioners as per Section 71 of the Act. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

September 21, 2007
MRR